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Response under 37 CFR §1.116

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Serial No.: 10/049,665

Confirmation No.: 4705

Filed: 11 April 2002

For: METHOD FOR PRODUCING A DENTAL PROSTHESIS

Remarks

The Office Action mailed 3 January 2007 has been received and reviewed. No claims having been added, amended, or canceled herein, the pending claims are claims 17-21 and 34-39.

Reconsideration and withdrawal of the rejections are respectfully requested.

The 35 U.S.C. §103 Rejection

The Examiner maintained the rejections of claims 17-18, 20-21, and 34-39 under 35 U.S.C. §103(a) as being unpatentable over Hintersehr (U.S. Patent No. 5,702,650) in view of Filser et al. (All Ceramic Dental Bridges, pages 165-169); and claim 19 as being unpatentable over Hintersehr in view of Filser et al., and further in view of Filser et al. (All Ceramic Dental Bridge slide presentation). Applicants respectfully traverse the rejections.

In the response submitted 13 October 2006, Applicants presented reasons why the Examiner has failed to establish a *prima facie* case of obviousness for claims 17-18, 20-21, and 34-39 being unpatentable over Hintersehr in view of Filser et al., and claim 19 being unpatentable over Hintersehr in view of Filser et al., and further in view of Filser et al. (All Ceramic Dental Bridge slide presentation). Applicants again submit that these reasons, which are incorporated herein by reference, are sufficient without more to overcome the rejections of the present claims. Nonetheless, Applicants present herein additional reasons why the rejections of the present claims should be reconsidered and withdrawn.

The Examiner based the rejections on the assertion that "the composition of the presintered material of Hintersehr meets the claimed composition as recited in instant claim 34. Hence, a person of ordinary skill, at the time the invention was made, would reasonably deem the claimed raw breaking resistance as shared mechanical property by Hintersehr." (Page 2 of the Office Action mailed 3 January 2007). Applicants earnestly disagree with the Examiner's assertion.

Applicants respectfully submit that the composition of the presintered material of Hintersehr *does not meet* the composition recited in instant claim 34. Notably, Hintersehr lacks,

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among other things, a teaching or suggestion of a zirconium oxide ceramic that includes *at least one of the oxides of the elements aluminum, gallium, germanium, indium*. Specifically, Hintersehr recites "an unfinished piece made out of 92.1 to 93.5 wt. % zirconium oxide (ZrO_2), 4.5 to 5.5 wt. % yttrium oxide (Y_2O_3), 1.8 to 2.2. wt. % hafnium oxide (HfO_2), up to 0.2 wt. % of any other oxides." (Column 2, lines 50-53). Hintersehr lacks any suggestion that the optional "other oxides" are *at least one of the oxides of the elements aluminum, gallium, germanium, indium*. In fact, Hintersehr apparently refers to the other oxides as "impurities" (the working Example at column 3, line 29).

In contrast, the present specification teaches that the *at least one of the oxides of the elements aluminum, gallium, germanium, indium* can be intentionally and advantageously added to the recited ceramics:

The addition of 0.1 to 0.50 wt.-%, preferably 0.15 to 0.50 wt.-%, particularly preferably 0.20 to 0.50 wt.-%, quite particularly preferably 0.25 to 0.50 wt.-% of at least one of the oxides of the elements aluminum, gallium, germanium, indium to such ceramics leads to the lowering of the sintering temperature and the increasing of the stability and the hydrolytic resistance during use. (Page 7, lines 22-26 of the present specification).

Thus, in contrast to the reference by Hintersehr of a level of oxide impurities that can be tolerated in his recited composition, Applicants positively recite that the composition recited in claim 34 can intentionally and advantageously include *at least one of the oxides of the elements aluminum, gallium, germanium, indium*.

Moreover, because the composition of the presintered material of Hintersehr *does not meet* the claimed composition as recited in instant claim 34, Applicants respectfully submit that a person of ordinary skill in the art, at the time the invention was made, *would not reasonably deem* the presently claimed raw breaking resistance as shared mechanical property by Hintersehr.

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Further, Applicants respectfully submit that neither Filser et al. nor Filser et al. (All Ceramic Dental Bridge slide presentation) provide that which is missing from Hintersehr.

For at least the reasons recited herein, in addition to those discussed in the Response submitted 13 October 2006, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness for claims 17-18, 20-21, and 34-39 being unpatentable over Hintersehr in view of Filser et al., and claim 19 being unpatentable over Hintersehr in view of Filser et al., and further in view of Filser et al. (All Ceramic Dental Bridge slide presentation).

Reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

Information Disclosure Statement

Applicants submitted an Information Disclosure Statement on 13 October 2006. Applicants thank the Examiner for initialing documents listed on the 1449 forms to indicate that they have been considered. However, the Examiner lined out and did not initial four documents, apparently because no dates were provided. Applicants have made a good faith attempt to identify and submit these documents, but Applicants' Representatives are not aware of the dates that these four documents became publicly available. **Thus, for the sole purpose of having the Examiner indicate that these four documents have been considered in the present application, Applicants hereby stipulate that these four documents, which have been listed on a clean 1449 form (EXHIBIT A), are considered for this application only to be available prior to the 16 August 1999 priority date of the present application.** Consideration of each of the documents listed on the attached 1449 form(s) is respectfully requested. Pursuant to the provisions of M.P.E.P. §609, Applicants further request that a copy of the 1449 form(s), marked as being considered and initialed by the Examiner, be returned with the next Official Communication. Because these documents were previously made of record in the Information Disclosure Statement submitted 13 October 2006, it is believed that no fee is due. However, in

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the event that the Examiner believes that a fee is due, please charge any fee or credit any overpayment to Account No. 13-4895.

Summary

It is respectfully submitted that all the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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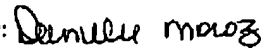
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5th day of March, 2007, at 2:01 pm (Central Time).

By: 
Name: Danielle Moroz